

EXHIBIT 12

Page 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 03-MDL-1570 (GBD) (SN)

5 -----x.

6 IN RE: TERRORIST ATTACKS ON
7 SEPTEMBER 11, 2001

8 -----x

9 April 12, 2021

10 10:30 a.m.

11
12 Videotaped Deposition via Zoom
13 of BRIAN M. JENKINS, pursuant to Notice,
14 before Jineen Pavesi, a Registered
15 Professional Reporter, Registered Merit
16 Reporter, Certified Realtime Reporter and
17 Notary Public of the State of New York.

18
19
20
21
22
23
24
25

1 JENKINS

2 A. Okay.

3 Q. Do you recognize this, if you
4 can turn to the next page, do you
5 recognize the second page of Exhibit 2026
6 as Chapter 5 of the 9/11 Commission
7 Report?

8 A. Yes.

9 Q. If we could turn to page FED
10 PEC 0075738 of Exhibit 2026.

11 MR. COTTREAU: If you could
12 blow up the last paragraph, please,
13 Michael.

14 Q. Mr. Jenkins, I am going to have
15 you read aloud, if you could, for me the
16 last paragraph on page FED PEC 75738 of
17 Exhibit 2026.

18 A. "Bin Ladin summoned KSM to
19 Kandahar in March or April 1999 to tell
20 him that Al Qaeda would support his
21 proposal. The plot was now referred to
22 within Al Qaeda as the 'planes
23 operation. '"

24 Q. Do you agree with those factual
25 statements that you just read on page

JENKINS

February PE C 75738 of Exhibit 2026, the
last paragraph on that page.

A. I accept them as the 9/11 Commission Report.

In terms of any independent basis for agreeing or disagreeing, I don't have a separate stream of information that tells me, no, it wasn't that date or bin Laden said something else.

So I accept this as the account by the 9/11 Commission.

Q. What do you understand KSM to mean in the second-to-the-last sentence on page FED PEC 75738 of Exhibit 2026?

A. The KSM I understand to mean
Khalid Sheikh Mohammed.

Q. Who was Khalid Sheikh Mohammed?

19 A. Khalid Sheikh Mohammed was
20 regarded as the principal architect of the
21 9/11 plan, he had been involved in
22 plotting various terrorist activities over
23 a period of years, including in the
24 Philippines and some other plots and he
25 was responsible for some plots after 9/11

1 JENKINS

2 don't know.

6 So Steve, honestly, it's murky.

7 Q. At the bottom of page 24 of
8 your report at the end of the last
9 paragraph, referring, I take it, to the
10 planes operation, you write, "In the end,
11 the final plan settled on crashing four or
12 five planes, depending upon the
13 availability of pilots in the targets on
14 the East Coast," do you see that?

15 A. Yes.

16 Q. When did Al Qaeda settle on
17 that final plan?

18 A. I would say certainly by late
19 '99 to early 2000 they were moving people.

20 And so I would say some
21 formation of that would be roughly around
22 that time.

JENKINS

2 Mihdhar and Hazmi were not going to be
3 suitable as pilots, they had to fly from
4 Hamburg, OBL was not going to make it,
5 Moussaoui was sent but they come up with
6 Hani Hanjour.

7 Now, was there some notion that
8 if they had five they would go with five
9 or that they had by that time discarded
10 the idea of five, that I'm just not sure
11 about.

Again, the fact that there were five pilots, potential pilots, in the United States and still some uncertainty,

JENKINS

2 was there four or five here, I am not
3 sure, I am just not sure, I don't know.

4 Q. So to summarize, based upon the
5 murky information that we have, the final
6 plan for crashing four to five planes into
7 the World Trade Center, the Pentagon and
8 other targets, came together at some point
9 in time in late 1999 or early 2000?

10 A. Yeah, I would say that -- let
11 me fast forward here -- in my own report,
12 I thought I had it here.

(Witness perusing document.)

14 A. I see in my own report here,
15 which I forgot to mention to you
16 previously, Khalid Sheikh Mohammed told
17 his questioners in Guantanamo at one point
18 that he wanted 25 to 26 pilots in place in
19 the United States; again, that's wildly
20 ambitious.

21 Now, where was it, I'm looking
22 for the dates of the arrival of the four
23 or the three from the Hamburg group, their
24 arrival in the United States.

We know the Moussaoui hijackers